

DEC 9 2003

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LEGACY PARTNERS, INC, a California
corporation; C. PRESTON BUTCHER,

Plaintiffs - Appellees,

v.

TRAVELERS INDEMNITY COMPANY OF
ILLINOIS, an Illinois corporation,

Defendant - Appellant,

and,

TRAVELERS INSURANCE COMPANY, a
Connecticut corporation; TRAVELERS
PROPERTY CASUALTY CORPORATION,
a Delaware corporation,

Defendants.

Nos. 02-15900
02-15978

DC No. CV 00-3413 SI
N.D. Cal.

O R D E R

Before: O'SCANNLAIN, TASHIMA, Circuit Judges, and MATZ,* District
Judge.

* The Honorable A. Howard Matz, United States District Judge for the
Central District of California, sitting by designation.

The Memorandum disposition filed October 23, 2003, 79 Fed. Appx. 295, is withdrawn and is replaced by the Amended Memorandum filed concurrently with this Order. The petition for rehearing of Legacy Partners, Inc., and C. Preston Butcher is granted to the extent reflected in the Amended Memorandum. The petitions for panel rehearing are otherwise **DENIED**.